

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
GAINESVILLE DIVISION

HDS GRAPHICS GROUP, INC.,	:	
	:	
Plaintiff,	:	
	:	CIVIL ACTION
vs.	:	NO. 2:05-CV-171-WCO
	:	
BROCHURE SPECIALISTS, LLC,	:	
and MICHAEL T. VER BERG,	:	
individually,	:	
	:	
Defendants.	:	

ORDER

The captioned case is before the court for consideration of plaintiff's motion for default judgment [6-1]. Plaintiff filed suit against defendants on November 14, 2005, asserting breach of contract and fraud claims arising from defendants' failure to pay the balance of their credit account with plaintiff [1-1]. Defendants were served with a copy of the summons and complaint on November 17, 2005 [3-1]. Thereafter, however, defendants failed to respond to the complaint within the twenty (20) day period provided in Rule 12 (a)(1)(A) of the Federal Rules of Civil Procedure. On December 13, 2005, plaintiff moved for entry of default against defendants [4-1]. The clerk entered default as to defendants the next day [5-1].

Rule 55(b)(2) of the Federal Rules of Civil Procedure permits the court to enter default judgment against a defendant for a sum certain upon receipt of an affidavit from the plaintiff setting forth the amount due. See Fed. R. Civ. P. 55(b)(2). The court finds that defendants owe plaintiff the sum of \$373,186.49, based on \$320,004.42 in account principal and \$53,182.07 in pre-judgment interest through March 21, 2005. Because plaintiff has failed to provide the court with any information as to the applicable interest rate for the credit account, any accrued attorney's fees, or other litigation expenses, the judgment is limited to the amount specifically requested in plaintiff's motion.

Accordingly, plaintiff's motion for default judgment is hereby **GRANTED** [6-1]. The clerk of the court is **DIRECTED** to enter judgment against defendants in the amount of \$373,186.49, together with interest accrued after this date as provided in 28 U.S.C. § 1961(a).

IT IS SO ORDERED, this 20th day of April, 2006.

s/William C. O'Kelley
William C. O'Kelley
Senior United States District Judge